

Bill No. SB 680

Barcode 663772

585-1875-05

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1                                   A bill to be entitled  
2                   An act relating to a review under the Open  
3                   Government Sunset Review Act; amending s.  
4                   202.195, F.S.; revising a public-records  
5                   exemption for proprietary confidential business  
6                   information obtained from a telecommunications  
7                   company or franchised cable company for  
8                   specified purposes under the Communications  
9                   Services Tax Simplification Law; removing the  
10                  October 2, 2005, repeal thereof scheduled under  
11                  the Open Government Sunset Review Act; removing  
12                  superfluous provisions; making editorial  
13                  changes; providing an effective date.

14

15 Be It Enacted by the Legislature of the State of Florida:

16

17                   Section 1. Section 202.195, Florida Statutes, is  
18 amended to read:

19                   202.195 Proprietary confidential business information;  
20 public records exemption.--

21                   (1) ~~Any~~ Proprietary confidential business information  
22 obtained from a telecommunications company or franchised cable  
23 company for the purposes of by a local governmental entity  
24 ~~relating to~~ imposing fees for occupying the public  
25 rights-of-way, ~~or~~ assessing the local communications services  
26 tax pursuant to s. 202.19, ~~or otherwise relating to~~ regulating  
27 the public rights-of-way, held by a local governmental entity,  
28 is confidential and exempt from ~~the provisions of~~ s. 119.07(1)  
29 and s. 24(a), Art. I of the State Constitution. Such  
30 proprietary confidential business information held by a local  
31 governmental entity, may be used only for the purposes of



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1 imposing such fees, ~~or~~ assessing such tax, or regulating such  
2 rights-of-way, and may not be used for any other purposes,  
3 including, but not limited to, commercial or competitive  
4 purposes.

5 (2) For the purposes of this exemption, "proprietary  
6 confidential business information" includes ~~any proprietary or~~  
7 ~~otherwise confidential information or documentation, including~~  
8 maps, plans, billing and payment records, trade secrets, or  
9 other information relating to the provision of or facilities  
10 for communications service;

11 (a) That is intended to be and is treated by the  
12 company as confidential;

13 (b) The disclosure of which would be reasonably likely  
14 to be used by a competitor to harm the business interests of  
15 the company; and

16 (c) That is not otherwise readily ascertainable or  
17 publicly available by proper means by other persons from  
18 another source to the same extent and in the same  
19 configuration format as requested by the local governmental  
20 entity.

21  
22 Proprietary confidential business information does not include  
23 schematics indicating the location of facilities for a  
24 specific site that are provided in the normal course of the  
25 local governmental entity's permitting process.

26 (3) Nothing in this exemption expands the information  
27 or documentation that a local governmental entity may properly  
28 request under applicable law pursuant to the imposition of  
29 fees for occupying the rights-of-way, ~~or~~ the local  
30 communication services tax, or the regulation of its public  
31 rights-of-way.

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1           (4) ~~Any information in the possession of a local~~  
2 ~~government entity which consists of Maps, plans, schematics,~~  
3 ~~diagrams, or other engineering data held by a local~~  
4 ~~governmental entity that relate relating~~ to the exact location  
5 and capacity of facilities for the provision of communications  
6 services by such ~~the local government entity are shall be~~  
7 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art.  
8 I of the State Constitution. Such information is ~~shall remain~~  
9 exempt only for a period of 60 days after completion of the  
10 construction of the communications services facilities.

11           ~~(5) This section is subject to the Open Government~~  
12 ~~Sunset Review Act of 1995 in accordance with s. 119.15 and~~  
13 ~~shall stand repealed on October 1, 2005, unless reviewed and~~  
14 ~~saved from repeal through reenactment by the Legislature.~~

15           Section 2. This act shall take effect September 30,  
16 2005.

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